

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	13 Cr. 345 (LGS)
	:	
	:	
– <i>against</i> –	:	NOTICE OF PRE-TRIAL MOTION
	:	CHALLENGING SUFFICIENCY
	:	OF THE SUPERSEDING
	:	INDICTMENT, PURSUANT TO
	:	<u>RULE 12(b) FED.R.CRIM.P.</u>
ANTIONE CHAMBERS,	:	
	:	
Defendant.	:	
	:	
-----X		

PLEASE TAKE NOTICE, that upon the annexed declaration of Joshua L. Dratel, Esq., the Exhibits thereto, the accompanying Memorandum of Law, and all prior papers and proceedings herein, the defendant, ANTIONE CHAMBERS, defendant in the above-entitled case, will move before the Honorable LORNA G. SCHOFIELD, United States District Court Judge for the Southern District of New York, at the United States Courthouse located at 500 Pearl Street, New York, New York, as soon as counsel may be heard, for an order:

- (a) dismissing Count Three of the Superseding Indictment because:
 - (i) it fails to allege facts sufficient to support the offense charged;
 - (ii) the federal Kidnaping Act, 18 U.S.C. §1201, as amended in 2006, represents an unconstitutional exercise by Congress in contravention of the Commerce Clause; and
 - (iii) §1201 is unconstitutional as applied to Mr. Chambers in this case because the alleged connection to interstate commerce is too attenuated, incidental, and/or peripheral to support federal jurisdiction.

- (b) permitting Mr. Chambers join in those motions made by his co-defendants that inure to his benefit; and
- (c) for any such other and further relief as to the Court seems just and proper.

Dated: 20 June 2014
New York, New York

Respectfully submitted,

/S/ Joshua L. Dratel
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Attorneys for Defendant Antione Chambers

To: THE HON. LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

UNITED STATES ATTORNEY
SOUTHERN DISTRICT OF NEW YORK

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